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December 3, 1993

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Kathleen B. Levitz
Acting Chief
Common Carrier Bureau
Federal Communications Commission
1919 M Street, N.W.
Room 500
Washington, D.C. 20554

92-28

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket No. 92-166
ET Docket No. 92-28

Dear Ms. Levitz:

AMSC Subsidiary Corporation ("AMSC") is writing this letter to set the record straight that AMSC's application to use the former RDSS bands for its second and third satellites is in the public interest and is not mutually exclusive with the use of the bands by non-geostationary satellite systems.

AMSC, a wholly-owned subsidiary of American Mobile Satellite Corporation, is an applicant to use the former RDSS bands (1610-1626.5/2483.5-2500 MHz) for its second and third satellites. File Nos. 15/16-DSS-MP-91 (June 3, 1991). The Commission previously assigned 30 MHz in other portions of the L-band to AMSC for three satellites. Memorandum Opinion, Order & Authorization, 4 FCC Rcd 6041 (1989); Memorandum Opinion and Order, 8 FCC Rcd 4040 (1993). AMSC is well along in its construction of its first satellite and plans a launch in late 1994, beginning operation in 1995 of the first U.S. domestic MSS system capable of offering a full range of high-quality mobile services throughout the nation. Construction of the second and third satellites, however, has been delayed by a shortage of spectrum. Contrary to the Commission's expectations when it granted AMSC's initial authorization, there has not been adequate spectrum available through international coordination for AMSC to justify the construction of its second and third satellites without the additional spectrum requested in our 1991 amendment. In fact, it is proving to be difficult to secure adequate spectrum in international coordination for AMSC's initial satellite.

There are five other applicants for the frequencies which AMSC seeks to add to its second and third satellites, all of which, in contrast to AMSC, propose non-geostationary satellite

systems for worldwide operation. These applicants, which sometimes are referred to as the "Big LEOs" are: Constellation Communications, Inc. ("Constellation"); Ellipsat Corporation ("Ellipsat"); Loral Qualcomm Satellite Services, Inc. ("LQSS"); Motorola Satellite Communications, Inc. ("MSCI"); and TRW, Inc. ("TRW").

Earlier this year, AMSC participated in a Negotiated Rulemaking with these applicants and other interested parties in an effort to agree on a way for all six system proposals to go forward without delay. During the Negotiated Rulemaking process, all parties agreed on a number of technical issues, including that it is possible for geostationary and non-geostationary systems to share the frequencies using Code Division Multiple Access ("CDMA") technology. AMSC stated in the Negotiated Rulemaking that it is willing to operate using CDMA if required by the Commission and is otherwise willing to modify its technical proposal to assist in the avoidance of any mutual exclusivity. AMSC was an active and cooperative participant in the Negotiated Rulemaking process. At the Commission's urging, AMSC fostered and supported the development of a compromise document describing proposed Elements of Consensus among the parties. Indeed, through AMSC's efforts, the Elements of Consensus proposal was formally included in the Negotiated Rulemaking record. See Addendum 1, Report of the MSS Above 1 GHz Negotiated Rulemaking.

Recent filings, however, by two groups of the Big LEOs have asked the Commission to dismiss AMSC's application on the grounds that AMSC stands in the way of the development of their systems. See "Jointly Filed Comments" of LQSS and MSCI (October 7, 1993); "Joint Spectrum Sharing Proposal" of Constellation, Ellipsat and TRW (October 8, 1993). AMSC strongly disagrees with this view.

Far from standing in the way of the development of competing systems, AMSC has been a major proponent of the allocation of sufficient spectrum to permit the full development of the service. We believe that MSS is an important new and dynamic industry that, with sufficient spectrum, will grow to serve many millions of users in the United States and around the world. As such, AMSC and its founding companies have been leading proponents of domestic and international allocations for MSS, beginning as early as 1983. We have continually sought to identify and gather support for new MSS allocations. It is AMSC that first urged the Commission to allocate the former Radiodetermination Satellite Service band to MSS domestically. Petition of AMSC, RM-7806 (June 3, 1991). Internationally, AMSC has been the principal proponent and supporter of U.S. efforts at the 1987 and 1992 WARC's and the 1993 WRC to provide spectrum for MSS growth.

The Commission's initial grant to AMSC was for a system with three satellites, each having access to a minimum of 20 MHz of mobile-link spectrum. As the Commission is well aware, the degree of foreign demand for L-band MSS spectrum (by, in particular, Inmarsat, Canada, Mexico and the Russian Federation) has made it extremely difficult for that goal to be realized for any more than at most one satellite. This situation forced AMSC to file its 1991 amendment, to obtain access to additional spectrum in the former RDSS bands in order to justify the construction of its second and third satellites and permit the full development of the initially-authorized system.

AMSC recognizes the extent to which the Big LEO proponents have generated interest in and support for their proposals and it does not seek to stand in the way of the Commission permitting those proposals to go forward. It is in that spirit that AMSC gave its full cooperation to the Negotiated Rulemaking process and made clear its willingness to modify its technical design to help avoid any mutual exclusivity among the applicants. Thus, at this point the simple truth is that the Commission can grant AMSC's application and those of the other applicants.

With all the hurdles that remain for the development of new MSS systems in these bands -- including in some cases issues involving feeder-link band interference from terrestrial systems in the 27.5-29.5 GHz band, space debris, the need to secure foreign landing rights, and in all cases issues of interference to Glonass and of sharing internationally with foreign MSS systems, in addition to enormous financing requirements -- AMSC strongly believes that the public interest is best served by granting as many qualified, timely-filed applications as possible. AMSC's proposal represents an incremental approach by a company with a track record for fulfilling its promises despite tremendous obstacles. Under these circumstances, it is only prudent that the Commission provide AMSC with an opportunity to make use of the spectrum.

Thank you for your attention to this matter.

Very truly yours,



Lon C. Levin

cc: Parties of Record